



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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February 21, 2013

Dow Jones  
98 Quay Street  
Morgantown, WV 26505

**RE: V13-02/ Jones / 309-317 Grant Avenue  
Tax Map 20, Parcels 26, 27 and 28**

Dear Mr. Jones,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for relief from Article 1365.09(C) as it relates to the surfacing and drainage of an off-street parking area at 309, 311, and 317 Grant Avenue.

The decision is as follows:

**Board of Zoning Appeals, February 20, 2013:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. Staff recommends approval of V13-02 as requested with the following conditions:
  - A. No later than (60) days following the variance relief granted herein, the petitioner shall:
    - a) Cause to be prepared, to the satisfaction of the Planning Division, and execute a declaration of zoning compliance agreement obligating the owner or owners of the three (3) subject parcels to surface the subject gravel parking area with an all-weather, dust-free concrete or asphalt material to the satisfaction of the City Engineer no less than 180 days following the paving of the alley from which the subject parking area is accessed from;
    - b) Said agreement and obligation shall be recorded at the Monongalia County Courthouse and run with the deeds of record for each of the three (3) subject parcels; and,
    - c) The petitioner shall submit to the Planning Division a certified copy of the recorded agreement. In the event the condition No. 1 above is not fulfilled, the variance relief granted herein shall become null and void without prior notification and the petitioner and/or owner or owners of the subject realty shall within 180 days following the date of the Board's decision herein comply with all related parking development standards set forth in Article 1363 of the City's Planning and Zoning Code. Failure to comply with all related parking development standards within said period shall result in the initiation of enforcement action under Article 1393 of the City's Planning and Zoning Code.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

A handwritten signature in cursive script that reads "Christopher M. Fletcher". The signature is written in dark ink and is positioned below the word "Respectfully,".

Christopher M. Fletcher, AICP  
Director of Development Services

## **ADDENDUM A – Approved Findings of Fact**

**V13-02/ Dow Jones / 311 Grant Avenue**

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**Finding of Fact No. 1** – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The alley from which the proposed parking area will be accessed from is currently gravel and not improved with asphalt or concrete.

**Finding of Fact No. 2** – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

It appears that the majority of the parking areas containing four or more parking spaces within the immediate area and the Sunnyside Neighborhood are currently gravel; particularly the large parking lot serving the McLane Manor development opposite the alley from the petitioner's subject site.

**Finding of Fact No. 3** – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The petitioner's plan to gravel the proposed parking area should not adversely impact nor damage the gravel alley from which the parking area will be accessed from and reasonable conditions can be included in the granting of the variance to ensure that the subject gravel parking area is paved as otherwise required in the event the alley is improved with asphalt or concrete surfacing.

**Finding of Fact No. 4** – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The availability of on-site parking within the Sunnyside Neighborhood appears to be a contributing factor to existing on-street parking congestion trends. The petitioner's efforts to create new off-street parking supply while recognizing the fact that the alley from which the proposed parking area will be accessed from is currently gravel and not surfaced in asphalt or concrete. The existing land use will remain the same but perhaps improved by virtue of creating on-site parking where none currently exists. The nature of this variance relief request cannot contribute to nor mitigate traffic congestion that may exist on neighboring roadways; however it should serve to aid, in some measure, in relieving on-street parking congestion.